

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

THOMAS J. MATOR and VELMA B. MATOR,

CASE NO. 05-60060  
HON. MARIANNE O. BATTANI

Plaintiffs,

v.

CITY OF ECORSE, a Michigan Municipal Corporation,  
and DAVID JACOBS, Building Official for the City of  
Ecorse,

Defendants.

DONALD HART,

CASE NO. 05-71061  
HON. MARIANNE O. BATTANI

Plaintiff,

v.

CITY OF ECORSE, a Michigan Municipal Corporation,  
and DAVID JACOBS, Building Official for the City of  
Ecorse,

Defendants,

ISTVAN BERDO,

CASE NO. 05-72054  
HON. MARIANNE O. BATTANI

Plaintiff,

v.

CITY OF ECORSE, a Michigan Municipal Corporation,  
and DAVID JACOBS, Building Official for the City of  
Ecorse,

Defendants.

ALFRED J. CUREAU, JR.

CASE NO. 05-72055  
HON. MARIANNE O. BATTANI

Plaintiff,

v.

CITY OF ECORSE, a Michigan Municipal Corporation, and  
DAVID JACOBS, Building Official for the City of Ecorse,

Defendants.

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### **ORDER CONSOLIDATING MATTERS FOR TRIAL**

At a September 25, 2006 telephone conference, the Court indicated that Case Nos. 05-60060, 05-71061, 05-72054, and 05-72055 would be consolidated for trial pursuant to FED. R. CIV. P. 42. The rule provides in relevant part:

**(a) Consolidation.** When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

Here, the Court, in its discretion, determined that these four cases involve common questions of law and fact and arise out of the same policy adopted by the City of Ecorse; that the same witnesses were likely to be called; and that consolidation would not unfairly delay progress in any case. See Cantrell v. GAF Corp., 999 F.2d 1007, 1011 (6th Cir. 1991).

Because the Court never entered an order consolidating these matters, it hereby consolidates these cases *nunc pro tunc*.

**IT IS SO ORDERED.**

s/Marianne O. Battani  
MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

Dated: June 13, 2007

## **CERTIFICATE OF SERVICE**

A copy of this Order was e-filed an/or mailed to counsel of record on this date.

s/Bernadette M. Thebolt  
Deputy Clerk